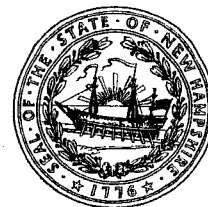




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
WET #SC2004-0012**

December 6, 2004

Daniel C. Bogannam  
71 Baycliff Road  
Portsmouth, NH 03801

**RE: Wetlands Bureau Complaint File #1997-1783, Bogannam, 71 Baycliff Road,  
Portsmouth Tax Map R-7 / Lot 46.**

Dear Mr. Bogannam:

As you are aware, on July 27, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on the City of Portsmouth Tax Map R-7 as Lot 46 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law.

It has been determined that the existing dock on the property is not in compliance with DES Wetlands Bureau Code of Administrative Rules Wt 100-800 and RSA 482-A:3 XIII(a). Photos of the area are enclosed. As you are aware, the existing dock location was part of a previous enforcement action conducted in 1997-1998. Enclosed is a copy of the DES after-the-fact approval dated November 3, 1998 with conditions that the dock be removed from the violation location no later than December 10, 1998. Also enclosed is the approved plan received by the department on June 8, 1998 submitted by you showing the proposed relocation of dock.

*In accordance with DES Code of Administrative Rule Wt 304.04(a), the department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface waters unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interest.*

DES requests that you take the following action:

1. Move the existing dock east to a location that is at least 20 feet from eastern property line of Bay Cliff Road right of way extension as shown on the plan received by the department on June 8, 1998 or;
2. Provide a written agreement from the affected abutter concurring with the dock in its existing location.

Please respond to this letter in writing by **January 6, 2005** of what your intentions are for the above referenced items.

**NHDES Wetlands Complaint File# 1997-1783**

RSA 482-A, the New Hampshire Wetlands Law was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau. If work is that is not in compliance with the rules set forth in Wt 100-800, then this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Compliance Investigator  
Wetlands Bureau  
Department of Environmental Services  
50 International Drive  
Suite 200  
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact David Price at (603) 559-1514 or by e-mail at [dprice@des.state.nh.us](mailto:dprice@des.state.nh.us).

Sincerely,



Frank D. Richardson, Ph.D.  
Senior Wetlands Inspector  
Coastal Region Supervisor  
DES Wetlands Bureau

FDR/dap

CERTIFIED MAIL #7003 1010 0003 3557 2364

cc: Rene Pelletier, Manager, Land Resources Management Program  
DES Legal Unit  
Portsmouth Conservation Commission  
Peter Britz, Portsmouth Environmental Planner